

REMARKS

The only issues outstanding in the Office Action mailed June 18, 2003, are the rejections under 35 U.S.C. §112, §102 and §103. It is noted that claims 20-26, 31, 32 and 35 have been indicated as being allowable.

Rejections Under 35 U.S.C. §112

Claims 18, 19 and 34 have been rejected under 35 U.S.C. §112, second paragraph. Reconsideration of this rejection, in view of the clarifying amendment to claims 18 and 34, is respectfully requested. It is noted that this amendment does not change the scope of these claims, either literally or for purposes of the doctrine of equivalents.

Claims 19 and 36 have also been rejected under 35 U.S.C. §112, second paragraph. It is argued, at page 2 of the Office Action, that neither these claims, nor the disclosure, provides any indication as to the directional angle at which peeling is performed or the speed at which peeling is conducted. It is thus argued that the recitation of peeling force without test conditions is indefinite. Applicants respectfully disagree with this analysis. First, a determination of peeling force is very routine in the art, and well understood by those of skill in the art. Moreover, the peeling standards used in the invention are, in fact, disclosed in the present specification, for example, at page 14, lines 3-4. Thus, one of ordinary skill in the art, familiar with these tests could readily determine how the values recited in the claim are achieved. Accordingly, withdrawal of this rejection is also respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 16, 17 and 27-30 have been rejected under 35 U.S.C. §102(b) over Claude et al. '644. Reconsideration of this rejection is respectfully requested.

Claude discloses a 2-layer composite material, comprising a metal foil, and an adhesive layer. The adhesive layer is formed of a mixture of two compounds, A and B. Compound A is a copolymer of an aliphatic monoolefin and a monoethylenically unsaturated carboxylic acid, compound B is a compound "adapted to reduce the adhesion of compound A for the metal foil

and/or the container." See the Abstract and col. 2, lines 1-10. Compound A could be polypropylene, compound B is disclosed as polyethylene, polyisobutylene, polystyrene or paraffins. See col. 2, lines 8-32. Where a polypropylene container is used, for instance, in Example 6, compound A is disclosed as a copolymer of propylene and acrylic acid, while compound B is a copolymer of ethylene and acrylic acid, or, in Example 7, an ethylene propylene copolymer.

It is thus respectfully submitted that, on the one hand, patentees fail to disclose the use of "extrusion grade" polypropylene in the binder layer (i.e., in patentees' mixture of compound A and compound B). The use of extrusion grade of polypropylene is disclosed in the present specification, for example, at page 9, lines 36-end.

On the other hand, it is seen that patentees fail to disclose the use of a polypropylene functionalized by an unsaturated carboxylic acid anhydride, as in claims 37 and 38 (it is noted that claim 20, which also recites such a component (C) of the binder, is allowable). Instead, patentees disclose solely grafting with acrylic acid, see Example 6 and 7 noted above, rather than an anhydride.

Finally, it is noted that patentees disclose a binder in which both components A and B are grafted. Again, see the examples in col. 2, lines 11-15. Thus, patentees also do not anticipate or suggest dependent claim 39, herein. Claim 39 is supported at page 9, lines 10-11 of the specification.

Accordingly, it is submitted that Claude fails to anticipate, or suggest, the presently claimed materials, and withdrawal of this rejection is respectfully requested.

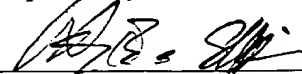
Rejection Under 35 U.S.C. §103

Claims 33 and 36 have been rejected under 35 U.S.C. §103 over Claude. Since this rejection is primarily dependent upon the argued obviousness of extrusion coating, it can be seen that deficiencies of Claude, discussed above, also militate withdrawal of this rejection, as well.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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